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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,357	04/09/2004	Gregory D. Miller	10021.000201 (P0177-D)	1202
31894	7590	03/01/2006	EXAMINER	
OKAMOTO & BENEDICTO, LLP			ROSENAU, DEREK JOHN	
P.O. BOX 641330			ART UNIT	
SAN JOSE, CA 95164			PAPER NUMBER	
			2834	

DATE MAILED: 03/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

efc

Office Action Summary	Application No.	Applicant(s)	
	10/821,357	MILLER ET AL.	
	Examiner	Art Unit	
	Derek J. Rosenau	2834	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because the boundary between layers 6 and 12 is in Figure 1D cannot be determined, as they are both shown with dark shading.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because reference numeral 24 refers to "filled," "fill," and "sealed." These should be changed in order to be consistent. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing

Art Unit: 2834

sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities. ON page 3, line 4, there is no space between "of" and "the." On page 15, line 3, the phrase "For an SAW device" should be "For a SAW device."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2834

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 17, 19-25, 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Pahl et al. (US 6931699).
6. With respect to claim 17, Pahl et al. discloses a surface acoustic wave (SAW) device sealed at the wafer level (Figures 1-7), the device comprising: an active area to be protected (item 5); an electrical contact area (item 10); and a lithographically-formed (column 4, lines 11-16) structure sealing at least the active area and leaving at least a portion of the electrical contact area exposed (Figures 6 and 7).
7. With respect to claim 19, Pahl et al. discloses the device of claim 17, wherein the SAW device is fabricated on a substrate from a group consisting of lithium tantalite, lithium niobate, and quartz (column 3, lines 48-50).
8. With respect to claim 20, Pahl et al. discloses a lithographically-fabricated surface acoustic wave (SAW) device (Figs 1-7), the SAW device comprising: means for carrying a surface acoustic wave (item 1); and a wafer-level means for sealing the means for carrying the surface acoustic wave (items 7-9).
9. With respect to claim 21, Pahl et al. discloses the SAW device of claim 20, wherein the means for carrying the surface acoustic wave comprises a transducer structure (items 2a and 2b).
10. With respect to claim 22, Pahl et al. discloses the SAW device of claim 21, wherein the transducer structure comprises aluminum (column 3, lines 55 and 56) patterned into interdigitated electrode fingers (items 2a and 2b).

Art Unit: 2834

11. With respect to claim 23, Pahl et al. discloses the SAW device of claim 20, wherein the wafer-level means for sealing comprises a lithographically-formed structure sealing at least the means for carrying (Figures 6 and 7).

12. With respect to claim 24, Pahl et al. discloses the SAW device of claim 23, further comprising electrical contact areas coupled to the means for carrying, and wherein the wafer-level means for sealing leaves exposed at least a portion of the electrical contact areas (item 10).

13. With respect to claim 25, Pahl et al. discloses the device of claim 25, wherein the lithographically-formed structure comprises a material of a thickness so as to be impermeable to undesired contaminants (column 4, lines 42-47).

14. With respect to claim 31, Pahl et al. discloses the device of claim 17, wherein the SAW device is fabricated on a lithium tantalite substrate (column 3, lines 48-50).

15. With respect to claim 32, Pahl et al. discloses the device of claim 17, wherein the SAW device is fabricated on a lithium niobate substrate (column 4, lines 48-50).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 18, 26-28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pahl et al. in view of Onishi et al. (US 6154940).

18. With respect to claim 18, Pahl et al. discloses the device of claim 17.

Art Unit: 2834

Pahl et al. does not disclose expressly that the lithographically-formed structure comprises a glassy material.

Onishi et al. teaches a SAW device that uses a glassy material to seal the active area (column 7, lines 43-51).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the glassy-material of Onishi et al. with the SAW device of Pahl et al. in order make the device more compatible with common electronics manufacturing processes.

19. With respect to claim 26, Pahl et al. discloses the device of claim 17.

Pahl et al. does not disclose expressly that the lithographically-formed structure comprises silicon dioxide.

Onishi et al. teaches a SAW device that uses silicon dioxide to seal the active area (column 7, lines 43-51).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the silicon dioxide of Onishi et al. with the SAW device of Pahl et al. in order make the device more compatible with common electronics manufacturing processes.

20. With respect to claim 27, Pahl et al. discloses the device of claim 17.

Pahl et al. does not disclose expressly that the lithographically-formed structure comprises silicon nitride.

Onishi et al. teaches a SAW device that uses silicon nitride to seal the active area (column 7, lines 43-51).

Art Unit: 2834

At the time of invention it would have been obvious to a person of ordinary skill in the art to combine the silicon nitride of Onishi et al. with the SAW device of Pahl et al. in order make the device more compatible with common electronics manufacturing processes.

21. With respect to claim 28, Pahl et al. discloses the device of claim 17.

Pahl et al. does not disclose expressly that the lithographically-formed structure comprises a metal.

Onishi et al. teaches a SAW device that uses a metal to seal the active area (column 7, lines 43-51).

At the time of invention it would have been obvious to a person of ordinary skill in the art to combine the metal of Onishi et al. with the SAW device of Pahl et al. in order make the device more compatible with common electronics manufacturing processes.

22. With respect to claim 33, Pahl et al. discloses the device of claim 17.

Pahl et al. does not disclose expressly that the SAW device is fabricated on a quartz substrate.

Onishi et al. teaches a SAW device fabricated on a quartz substrate (column 15, lines 41-43).

At the time of invention it would have been obvious to a person of ordinary skill in the art to combine the quartz substrate of Onishi et al. with the SAW device of Pahl et al. in order make the device more compatible with common electronics manufacturing processes.

Art Unit: 2834

23. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pahl et al. in view of Bashir et al. (US 6716620).

24. With respect to claim 29, Pahl et al. discloses the device of claim 18.

Pahl et al. does not disclose expressly that the glassy material comprises a spin-on-glass.

Bashir et al teaches an electronic device in which the chip is sealed by spin-on-glass (column 7, lines 51-57).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the spin-on-glass of Bashir et al. with the SAW device of Pahl et al. in order to make the device more compatible with common manufacturing processes.

25. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pahl et al. in view of Orcutt et al. (US 6743656).

26. With respect to claim 30, Pahl et al. discloses the device of claim 18.

Pahl et al. does not disclose expressly that the glassy material comprises a sputtered glass.

Orcutt et al teaches an electronic device in which the chip is sealed by sputtered glass (column 4, line 67 through column 5, line 2).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the spin-on-glass of Orcutt et al. with the SAW device of Pahl et al. in order to make the device more compatible with common manufacturing processes.

Art Unit: 2834

Conclusion

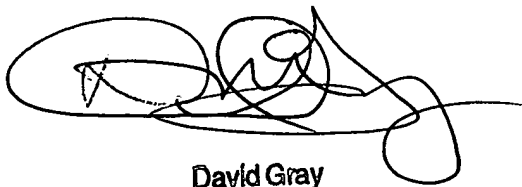
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek J. Rosenau whose telephone number is 571-272-8932. The examiner can normally be reached on Monday thru Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Derek J Rosenau
Examiner
Art Unit 2834

DJR
2/21/2006



David Gray
Primary Examiner